

Exhibit 1

From: Randall Garteiser rgarteiser@ghiplaw.com

Subject: Re: [Symbology v KDP] - certification re 101 motion

Date: July 11, 2023 at 6:36 PM

To: Rodeen Talebi talebi@fr.com

Cc: Colin Jensen cjensen@ghiplaw.com, ghpam@ghiplaw.com, Neil McNabnay McNabnay@fr.com, Ricardo.ricki.bonilla Bonilla rbonilla@fr.com, Sarika Patel patel@fr.com, Alexander Martin martin@fr.com

Rodeen,

For the claim construction streamlining / Section 101 motion prerequisite the parties need to address the following topics:

1. Identify any claim terms that KDP believes are indefinite. This is part of the claim construction process in this district.
2. The timing/order of elements occurring in each of the claims asserted in the patents-in-suit.
3. Separately, we need to know KDP's disputed terms if any. Symbology's is listed below.

'773 patent, *Claim 1*.

symbology associated with an object

a decode string

one or more visual detection applications

a portable electronic device

a first amount of information about the object

a remote server

a second amount of information about the object from the remote server;

cumulative information;

a display device

configured to run in the background with respect to other systems associated with the portable electronic device,

-

[The sequence of elements]

8,424,752, Claim

1. A method comprising:

a digital image

a digital image capturing device

a portable electronic device;

symbology associated with an object within the digital image using a portable electronic device;

a decode string

one or more visual detection applications

a remote server

receiving information about the object from the remote server wherein the information is based on the decode string of the object

a display device associated with the portable electronic device

8,651,369

a digital image capturing device

a portable electronic device

detecting symbology associated with the digital image using a portable electronic device

symbology

a decode string

one or more visual detection applications residing on the portable electronic device

a remote server for processing

receiving information about the digital image from the remote server wherein the information is based on the decode string

displaying the information on a display device associated with the portable electronic device

8,935,190

a digital image

a digital image capturing device

electronic device;

detecting symbology associated with the digital image using the electronic device

decoding the symbology to obtain a decode string using one or more visual detection applications residing on the electronic device

a remote server for processing

information about the digital image from the remote server wherein the information is based on the decode string

displaying the information on a display device associated with the electronic device.

On Jul 11, 2023, at 6:01 PM, Randall Garteiser <rgarteiser@ghiplaw.com> wrote:

Rodeen,

For Wednesday's Meet and Confer at 6 pm Central.

It appears we also need to meet and confer about our motion to strike the IC counter claim and affirmative defense. It's attached if your client decides it wants Symbology to withdraw it, and KDP just files an amended Answer/Counterclaims/Defenses to remove IC until there is more evidence to meet the pleading standard.

<2023_07_10 Motion to Strike IC of KDP.pdf>

On Jul 10, 2023, at 2:36 PM, Rodeen Talebi <talebi@fr.com> wrote:

We will call you at 6pm CT on Wednesday and we can discuss the issues you have brought up below.

From: Randall Garteiser <rgarteiser@ghiplaw.com>
Sent: Monday, July 10, 2023 1:26 PM
To: Rodeen Talebi <talebi@fr.com>
Cc: Colin Jensen <cjensen@ghiplaw.com>; ghpam@ghiplaw.com; Neil McNabnay <McNabnay@fr.com>; Ricardo Bonilla <rbonilla@fr.com>; Sarika Patel <patel@fr.com>; Alexander Martin <martin@fr.com>
Subject: Re: [Symbology v KDP] - certification re 101 motion

Okay, to accommodate you guys we will make that work.

Just give me a call at 415.568.0553. If your client wants to say plain and ordinary meaning applies, we would like to hold you to that notwithstanding your client wanting to limit it to just Section 101 purposes. We haven't completed our review but will have more than just the 4 claims included from each patent (one from each) in our final infringement contentions.

On Jul 10, 2023, at 11:00 AM, Rodeen Talebi <talebi@fr.com> wrote:

Hi Randy,

Does 6pm CT on Wednesday work for you?

From: Randall Garteiser <rgarteiser@ghiplaw.com>
Sent: Monday, July 10, 2023 10:39 AM
To: Rodeen Talebi <talebi@fr.com>
Cc: Colin Jensen <cjensen@ghiplaw.com>; ghpam@ghiplaw.com; Neil McNabnay <McNabnay@fr.com>; Ricardo Bonilla <rbonilla@fr.com>; Sarika Patel <patel@fr.com>; Alexander Martin <martin@fr.com>
Subject: Re: [Symbology v KDP] - certification re 101 motion

[This email originated outside of F&R.]

Hi Rodeen,
Please withdraw the properly filed motion and let's reset.

I can make time at 4pm central or later on Wednesday.



Randall Garteiser / Partner
888.908.4400 x100 / rgarteiser@ghiplaw.com
119 W Ferguson, Tyler, TX 75702
795 Folsom St, Floor 1, San Francisco, CA 94107-4226
<http://www.ghiplaw.com>

On Jul 10, 2023, at 9:42 AM, Rodeen Talebi <talebi@fr.com> wrote:

Counsel,

Judge Gilstrap's Standing Order (attached) requires the parties to meet and confer regarding whether claim construction is necessary in deciding subject-matter eligibility under § 101, and for the movant to include a certification regarding same when filing a motion to dismiss under § 101. We inadvertently missed this step before filing KDP's motion to dismiss.

If Symbology agrees, we can perform this meet and confer and file the certification with the Court as soon as possible. Otherwise, KDP will file a renewed motion to dismiss with the proper certification after the meet and confer. Either way, please provide your availability for some time today or tomorrow for the lead counsel for both sides to meet and confer per the Standing Order.

Thanks,
Rodeen

Rodeen Talebi :: Attorney
1717 Main Street, Suite 5000, Dallas, Texas 75201
214-760-6150 direct :: talebi@fr.com

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<Standing_Order_Regarding_Motions_Under_35_USC_101.pdf>

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